

COMMONWEALTH OF PENNSYLVANIA : No. 77 WM 2004
 :
 Vs. : Trial Ct. Dkt. No. CR182-1998 & CR183-1998
 :
 EDWARD JOSEPH McNATT, :
 Petitioner. :

MOTION FOR NOMINAL BAIL PENDING APPEAL

TO THE HONORABLE JUDGES OF THE SUPREME COURT:

Petitioner, Edward Joseph McNatt, pro se, hereby moves for nominal bail pending appeal, and represents:

1. Petitioner was sentenced to a term of imprisonment of one (1) year, four (4) months to seven (7) years on docket number CR182-1998 and a consecutive term of one (1) year, four (4) months to five (5) years on docket number CR183-1998 on October 20, 1998. This motion is filed pursuant to Rule 4010(B), Pa.R.Crim.P., which permits post-sentencing bail pending appeal.

2. Petitioner had been in custody on the instant case for a period of approximately six (6) years.

3. Petitioner, who is thirty-five (35) years old, had resided with his fiancée continually until being incarcerated in Lackawanna County, Pennsylvania.

4. Petitioner believes that the appeal filed in this Court is meritorious and that there is a reasonable probability that his judgement of sentence will be reversed. See Habeas Corpus filed in this Court.

5. Due to petitioner's health (cancer), he is unable to receive any treatment while incarcerated and his condition continues to worsen.

6. During the time petitioner was not in custody before he was sentenced on the instant offense or related offenses in Lackawanna County, petitioner was neither convicted nor charged with any act dangerous to the community.

8. Petitioner has meaningful employment if nominal bail is granted.

9. Petitioner is incarcerated and without the funds to cover the cost of this proceeding.

DATED: Nov. 12, 2004

Respectfully Submitted,

Edward Joseph McNally
Petitioner, pro se